
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

CLEARONE COMMUNICATIONS, INC., a
Utah corporation,

Plaintiff,

v.

ANDREW CHIANG, an individual, JUN
YANG, an individual, LONNY BOWERS, an
individual, WIDEBAND SOLUTIONS, INC.,
a Massachusetts corporation, VERSATILE
DSP, INC., a Massachusetts corporation, and
BIAMP SYSTEMS CORPORATION, an
Oregon corporation,

Defendants.

**ORDER REGARDING
SEIZED MATERIALS**

Civil No. [2:07-cv-037 TC-DN](#)

Honorable Tena Campbell

Magistrate David Nuffer

The magistrate judge continues supervision of material seized pursuant to an order entered September 1, 2010 (the Seizure Order).¹ The Seizure Order was issued to protect ClearOne Communication, Inc.'s Confidential and Highly Confidential information (Protected Information) produced and or disclosed in this litigation. An order dated December 20, 2010 outlined procedure for review of hard copy materials.² Objections to the procedure were due December 30, 2010. One objection was received³ and has been overruled.⁴

As later stated, information has been received enabling the processing of electronic data to move forward. A telephone status hearing will be set January 7, 2010, to discuss this process.

¹ The Seizure Order was filed September 1, 2010 under seal as docket no. 2251 and a redacted version was filed October 8, 2010, as docket no. 2306.

² Order Regarding Boxes of Papers, docket no. 2384, filed December 20, 2010.

³ Objection to the December 20, 2010 Order, docket no. 2386, filed December 28, 2010.

⁴ Docket no. 2389, filed December 31, 2010.

iPad

ClearOne has filed a report regarding review of the electronic materials seized.⁵ In the materials accompanying the report, Computer Forensics Associates (CFA) states that “technology to successfully complete a forensic acquisition of the iPad device is available” and that [o]nce this acquisition is completed, processing and analysis can resume just like a regular computer.”⁶ CFA also reports that a black leather sleeve for the iPad was seized with the iPad and is currently in CFA’s possession. Lonny Bowers has claimed money or other items were in the iPad sleeve.

Unencrypted Media Sources

As to the segregation of the unencrypted electronic data, CFA reports that Excel[®] format and/or Graphic User Interface directories can be created with relatively low cost.⁷ The magistrate judge has numerous questions regarding this process, including the statement that the user could “view the files with their associated metadata (filename, date/time-stamp, file size, and context).”⁸ Does mean the *files* or merely file names (and extensions) are included? Are dates created and date modified shown?

Electronic Media Inventory

CFA has also provided a helpful updated summary of the materials seized with photos of the electronic media seized.⁹ At the telephone hearing, the magistrate judge will ask for clarification of the photograph of “CF8097-O-R-1 UBCD” which appears very similar to “CF8097-O-R Bob.” The magistrate judge is unclear on the status of CF8097-O-AB and

⁵ Notice of Filing of Affidavit of Donna Eno and Updated Report on Seized Materials, docket no. 2378, filed December 10, 2010.

⁶ Affidavit of Donna Eno at 3, docket no. 2378-1, filed December 10, 2010.

⁷ *Id.* at 6-8.

⁸ *Id.* at 7.

⁹ [Summary of Items Seized] CASE # CF8097 12-10-10, docket no. 2378-2, filed December 10, 2010.

CF8097-O-AC, as well as items shown as “incomplete” (including CF8097-S-H-1, CF8097-O-E, and CF8097-S-D-1) and also wants to be sure that all items marked as “Being Returned” on that inventory have in fact been ordered to be returned and returned.

Encrypted Data Sources

The telephone hearing will also deal with encrypted data sources. It appears there are eight encrypted media, and only five encryption CDs.

Number	Media type	Identification
CF8097-O-V	Encrypted External Hard Drive	Western Digital “Sullivan Backups” Serial #WCASJ1406233
CF8097-O-AC	Encrypted CD	“ClearOne v. WideBand Search Results Report (Scott DuBois)”
CF8097-O-AB	Encrypted CD	“ClearOne v. WideBand Search Results Report (Scott DuBois)”
CF8097-O-C	Encrypted Laptop Hard Drive	Sony Vaio PCG-6N1C Serial #J001UECR
CF8097-O-AW-1	Encrypted Computer Hard Drive	HP Pavilion Phoenix Serial #3CR8481PQJ
CF8097-O-G-1	Encrypted Laptop Hard Drive	Gateway 3520GZ Serial #N624B01035698
CF8097-O-B-1	Encrypted Computer Hard Drive	HP Pavilion a1600n Serial #CNH64707C7
CF8097-O-AV-1	Computer Hard Drive	Compaq Presario Compaq Presario Serial #CNH5320M81
CF8097-O-R Bob	Truecrypt CD	Memorex “Bob”
CF8097-O-R-1 UBCD	Truecrypt CD	
CF8097-O-S	Truecrypt CD	Verbatim “Conf”
CF8097-O-P	Truecrypt CD	Verbatim “Mark”
CF8097-O-Q	Truecrypt CD	Verbatim “Kel”

Before proceeding further with the encrypted materials, it would be wise to know if Lonny Bowers will supply the information CFA says is necessary to read encrypted data: “which keyfile disks match to which computers, and (2) the passwords, if any.”¹⁰ Counsel for Mr. Bowers should be prepared to discuss this at the telephone hearing. Also, CFA says it will be necessary to ship the computers to the location of the media – rather than ship the lighter smaller

¹⁰ Affidavit of Donna Eno at 6.

media to the location of the computers. The magistrate judge will need clarification of this proposal.

ORDER

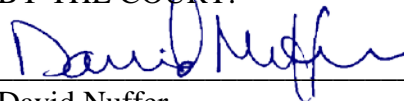
IT IS HEREBY ORDERED that on or before January 12, 2010:

- a. counsel for all parties shall file a report of the date and time (and two alternate dates and times) when they can appear at the court to review the documents;
- b. ClearOne shall cause to be filed an affidavit or declaration of each person having knowledge of the iPad since it was seized detailing its condition, who had access to it, when it was removed from its sleeve and by whom, and the presence of any associated property.

IT IS FURTHER ORDERED that the case is set for a telephone status hearing January 7, 2010, at 8:30 a.m. to discuss the further processing of electronic data, including issues described in this order.

Dated December 31, 2010.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge